

Arbiters with guns: the ambiguity of military involvement in civilian disputes in the DR Congo

Article (Accepted Version)

Eriksson Baaz, Maria and Verweijen, Judith (2014) Arbiters with guns: the ambiguity of military involvement in civilian disputes in the DR Congo. *Third World Quarterly*, 35 (5). pp. 803-820. ISSN 0143-6597

This version is available from Sussex Research Online: <http://sro.sussex.ac.uk/id/eprint/78861/>

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher's version. Please see the URL above for details on accessing the published version.

Copyright and reuse:

Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Arbiters with guns: the ambiguity of military involvement in civilian disputes in the DR Congo

Maria Eriksson Baaz and Judith Verweijen

Published in: *Third World Quarterly*, 35:5 (2014): 803-820

DOI: 10.1080/01436597.2014.921431

To link to this article: <http://dx.doi.org/10.1080/01436597.2014.921431>

Abstract

Based on extensive field research in the Democratic Republic of the Congo (DR Congo), this article elucidates the logics, processes and readings surrounding certain ‘extra-military’ practices enacted by the Congolese army, namely the processing of various types of disputes between civilians. Exceeding the boundaries of the domain of ‘public security’, such activities are commonly categorised as ‘corruption’. Yet such labelling, founded on a supposed clear-cut public–private divide, obscures the underlying processes and logics, in particular the fact that these practices are located on a blurred public–private spectrum and result from both civilian demand and military imposition. Furthermore, popular readings of military involvement in civilian disputes are highly ambiguous, simultaneously representing it as ‘abnormal’ and ‘harmful’, and normalising it as ‘making sense’ –reflecting the militarised institutional environment and the weakness of civilian authorities in the eastern DR Congo. Strengthening these authorities will be vital for reducing this practice, which has an enkindling effect on the dynamics of conflict and violence.

Keywords: armed forces; corruption; public–private divide; dispute processing; DR Congo; civil–military relations

Introduction

The armed forces of the Democratic Republic of the Congo (DR Congo) are commonly portrayed as marred by corruption and entrepreneurialism for private gain.¹ In a recent NGO report we read, for example, that ‘Given the legacy of corruption and dysfunction within Congo’s military, it becomes a normal reflex for commanders to focus more on controlling mines than planning effective military operations’.² Such representations are heavily shaped by familiar conceptualisations of corruption as entailing the disruption of a putatively clear-cut public–private distinction.³ Applied to armed forces, this means that the template of an OECD-style, bureaucratically institutionalised and fully publicly funded army is taken as a yardstick for ‘measuring’ armies elsewhere.⁴ In such framings, a supposedly well delineated ‘public security domain’ is seen as the military’s sole legitimate sphere of activity. As a corollary, practices transgressing or violating this sphere, like revenue generation or influence peddling in the politico-administrative domain, are generally catalogued as ‘extra-military’ and ‘private’. Such labels are commonly imbued with strong normative connotations, evoking ‘deviance’, ‘criminality’ and ‘corruption’.

As we will demonstrate in this article, such a priori categorisations and labels tend to obscure the varied nature and underlying logics of the social practices in

question. Following Blundo and Olivier de Sardan, this article is based on the premise that activities named as ‘corrupt’ (here, certain ‘extra-military’ practices) cannot be divorced from everyday forms of social exchange.⁵ These often profoundly blur private–public distinctions, in particular when based on the reciprocity that is a hallmark of patronage-based social ties. It is therefore only by situating these activities in institutionalised modes of sociability that we can better grasp their underlying logics – including why they are sometimes (and on certain levels) perceived as ‘justifiable’ and even ‘licit’.

Based on extensive field research in the DR Congo between 2006 and 2013,⁶ the article sets out to explore one particular form of ‘extra-military’ activity that the Congolese army engages in on a massive scale, namely the processing of various types of disputes between civilians.⁷ This practice is especially widespread in the conflict-ridden eastern parts of the country, where the weakening of civilian authority has rendered the resolution of disputes – whether related to land or other property, economic activities, infractions, local authority or family issues – a wearying and costly process, with each party mobilising wider connections in and outside of the state apparatus to reinforce their position. Such an environment is highly conducive to interventions by members of the armed forces, using their influence and/or force to attain or impose a ‘solution’, a practice that some would label as ‘corrupt’, given that it involves the manipulation of ‘public office’.

With the aim of providing a better understanding of the logics, processes and popular readings surrounding these practices, the article attends to the following questions: what are the incentives on both the military and the civilian side that foster the armed forces’ engagement in the processing of disputes between civilians and to what extent is this engagement imposed or solicited? Furthermore, how are such forms of military involvement framed and assessed by both providers and local audiences? Specifically, when are these practices seen as licit or illicit and what role do private–public distinctions play in such normative readings? Finally, what bearing does military involvement in civilian dispute processing have on the dynamics of conflict and violence in the eastern DR Congo?

The article proceeds as follows. We first provide a brief historical overview of the Congolese army and the context in which it evolved. After this we give an insight into the main repertoires of military engagement in dispute processing, providing examples of the various types of dispute in which the army intervenes. We then attend to the processes and logics underlying these practices, as well as to how these shape the ways in which interventions are read and evaluated by both the military and civilians. Subsequently we discuss the consequences for the wider dynamics of conflict and violence in the east. We conclude by arguing that this form of ‘extra-military’ practice should not be read as a reflection of ‘rotten culture’ – whether in the military or in Congolese society at large. Rather, and corresponding to recent insights in the study of institutionalized corruption,⁸ such practices should be understood as stemming from a collective action problem – fostered by the weakness of civilian authorities, the importance of patronage-based networks, and the omnipresence of armed actors.

The armed forces in the Congo: a history of versatility

The *Forces armées de la République Démocratique du Congo* (FARDC) was formed in 2003, in the wake of a peace accord that stipulated the merging of the armed wings of all belligerents into a new national army. This form of power sharing was mirrored

in the political domain, creating a sharing-of-the-pie logic that unleashed vigorous power competition. While clearly reflecting the nature of the post-settlement order, the army that came out of this merging process displays important continuities with its predecessor forces, highlighting the fact that violent conflict has had a relatively limited impact on certain state institutions in the DRC. As in the present-day armed forces, the functioning of Mobutu's army, the *Forces armées zaïroises* (FAZ) was heavily shaped by networks based on patron–client ties, which both overlapped and conflicted with the official hierarchy. Consequently, power was largely projected through the provision and withholding of revenue-generation opportunities, including by means of frequent rotations of office. This resulted in persistent uncertainty for staff at all levels, making office holders reap the profits from their function as long as they could. Such military entrepreneurialism was explicitly encouraged by the leadership, reflecting efforts to keep the army 'out of politics' and therefore loyal.⁹

When economic decline kicked in from the early 1970s onwards, it became ever more difficult for Mobutu to co-opt and cajole by offering or withholding access to resources. Instead, he started to encourage the military, like other state agents, to 'fend for themselves' (*se débrouiller*). Deprived of regular salaries, soldiers engaged in increasingly inventive but also coercive forms of revenue generation. This was facilitated by the military's exercise of policing and dispute-processing tasks, which created opportunities for the unlawful arrest of civilians, and the levying of a variety of fines.¹⁰ Soldiers also became increasingly involved in the burgeoning non-official economy that had sprung up in reaction to the ongoing economic crisis. Such economic activity entailed various forms of interaction with civilians: acting as sellers, buyers, investors, suppliers and transporters. It also involved collaboration with civilian authorities, needed for instance to obtain access to coveted foreign currency or to falsify papers for import/export fraud.¹¹ In this manner the non-official economy fostered thick linkages and mutual dependencies between civilian and military actors, tied together into patronage networks cross-cutting military-civilian boundaries. These linkages facilitated the armed forces' efforts to influence the administration either for themselves or on behalf of civilian clients. Thus, military actors came to play a crucial role in what grew to be a veritable economy of influence peddling.¹²

In short, the social practices of the Congolese armed forces have always exceeded the boundaries of a narrowly defined 'defence domain', encompassing such activities as policing, revenue generation and involvement in forms of (administrative) regulation and dispute processing. The post-settlement context has only reinforced such 'extra-military' activity, especially in the Kivu provinces in the east. Since many of the ex-belligerents were reluctant to give up the political and economic spheres of influence they had carved out during the wars, they manipulated the military integration process, trying to keep their troops close to their former fiefs. Consequently the majority of military staff presently deployed to the Kivus originate from the provinces themselves. This, in turn, has generated centrifugal tendencies, with military elites being closely connected to politicians, administrators, businesspersons and armed groups in the east.¹³ In the case of civilian authorities such relations are often based on patronage and protection, with the military protecting and facilitating both the more private and the more public affairs of civilian authorities in exchange for loyalty, (economic) services and administrative influence.¹⁴ As will be illustrated below, this situation reinforces the involvement of the armed forces in the processing of disputes between civilians.

Repertoires of military involvement in civilian dispute processing

Far from being a marginal phenomenon, our fieldwork suggests that, particularly in the Kivu provinces, military involvement in civilian dispute processing occurs on a relatively large scale, and has become part of day-to-day routines. Moreover, in contrast to dominant understandings, our findings indicate that it concerns not only conflicts with high stakes and between powerful elites, but involves broad layers of the population, and covers a wide range of conflicts. In principle any dispute, no matter how insignificant, may constitute a pretext for interference by the military, or an incentive for civilians to solicit it, regardless of the military's formal jurisdiction and spheres of authority. For example, interventions are found in disputes related to infractions and commercial disagreements (falling within the scope of the police and justice apparatus or administrative or professional arbitration), conflicts surrounding family affairs (in the DR Congo mostly the domain of customary law), and grievances related to personal rivalries, grudges, revenge and retribution (which could be seen as 'private' matters). Such conflicts may be either interpersonal or involve wider groups, like families or economic networks. Hence the disputes processed by the military are located on a wide public-private spectrum, as will be further illustrated below.

A similar variety can be found in relation to the forms of intervention, which oscillate widely between coercion and persuasion. Whereas in some cases army staff may unilaterally impose a 'solution' without discussion – for example forcing a party to vacate a contested piece of land, to (re)pay a debt or dowry, or to grant a certain licence or tax reduction – in other situations, interventions take the form rather of mediation, where a settlement is proposed that tries to weigh the interests of both parties. One example of this observed during fieldwork involved an FARDC commander who suggested to a cattle-herder accused of having poisoned a number of cows to pay one cow back to the owner, a solution that both eventually accepted.

Turning to the main types of disputes in which the FARDC gets involved, many interventions revolve around the ownership and use of land. This is not surprising in a context where land governance is erratic.¹⁵ For instance, in one of the cases encountered, a villager who had a conflict with his neighbour about the boundaries of his plot approached the FARDC and denounced his competitor as a collaborator of the Mai Mai (a local militia). This immediately caused friction between the wider family of the 'suspect' and those in the community originating from the clan not supporting the Mai Mai.¹⁶ In the city of Bukavu, we were told that parties to a boundary dispute sometimes ask the military to exercise influence on the department handling real estate titles, illustrating that military intervention in land conflicts occurs in both rural and urban settings.¹⁷ Another category of conflicts where FARDC involvement is frequent are commercial disputes, like conflicts over economic assets, concessions, the division of profits, respect for contractual stipulations or economic competition more generally. A notorious case concerns the gold mine of Mukungwe in Walungu (South Kivu), the concession to which has been contested between the owners of the land and the customary authorities since the discovery of gold in the 1970s. Each of the parties, liaising with civilian authorities at both provincial and national level, has solicited protection from competing factions within the FARDC, sparking open violence on several occasions.¹⁸ However, interventions in commercial competition may also occur at a much smaller scale. One story retold during the fieldwork involved an economic operator allegedly wanting to have the only *ciné-video* in the neighbourhood. He was rumoured to have used connections in the military to intimidate his competitor in

order to make him withdraw. When the latter 'did not listen', his video equipment was stolen.¹⁹ Debts, contracted both in a commercial and a familial or communal context, are another major domain of military interference, not least as the intervening FARDC staff often get a pre-determined percentage of the repaid debt or, when intervening with force, simply take a part. Aside from expediting repayment, the military is also mobilised by civilians in order to avoid repaying debts. In one case encountered, a woman not able to repay her debt in time professedly tried to use her good relations with the company commander, an extended family member, to put pressure on her creditors to postpone repayment.²⁰

The military's performance of policing tasks also offers multiple opportunities for involvement in dispute processing. There are numerous examples in the field data of FARDC intervention in cases of the disturbance of public order and crime.²¹ For instance, in the village of Kamanyola, the story was told of how a man whose bicycle had been stolen asked the military to beat up the alleged perpetrator, whom he had identified as a demobilised rebel soldier from the community.²² In another case a woman had some of her laundry stolen and supposedly knew who the culprit was. She narrated how she had called upon a friend of her husband, an army captain, to intervene by retaking the goods and to 'teach the thief a lesson'.²³ In addition to direct intervention in cases related to minor offences, military involvement in crime may also entail blatant interference in judicial processes concerning grave abuses, like murder and rape. In such cases civilians may, for example, ask the military to put pressure on the judge, which is a widespread practice in the DR Congo.²⁴

Another frequent source of FARDC interventions are disputes between civilians and other state services, particularly the civilian intelligence and migration apparatus, the police and various border agencies controlling imports and exports. If a civilian has contacts with FARDC staff who are more powerful than the state agent with whom they are in conflict, they often mobilise their army connections to facilitate an arrangement. For instance, a boat operator who had some goods confiscated by an intelligence officer recounted how he called upon one of his long standing contacts within the navy to settle the issue and have the confiscated goods returned.²⁵ Similarly economic operators experiencing problems with importing or exporting goods may appeal to higher placed officers for assistance, a strategy that is commonly also used to (unofficially) lower the tariffs.²⁶ FARDC staff were also observed to intervene in conflicts between civilian authorities, for instance in succession disputes between customary chiefs, or in conflicts related to administrative boundaries. Since such conflicts are often already militarised, with many customary chiefs having close links to armed groups or self-defence militias, the involvement of the FARDC may exacerbate tensions.

Aside from conflicts related to land, commercial issues, infractions and public authority, our field data include numerous examples of FARDC involvement in a range of household and family disputes, often revolving around inheritance, children and love affairs, like divorce and dowries. In one case encountered, the family of a young man accused his wife of having undergone an abortion (which is forbidden under Congolese law), and therefore asked the military to arrest the woman.²⁷

Another example is that of a woman who discovered that her husband had a mistress, and was alleged to have subsequently offered soldiers from the platoon deployed to the village a crate of beer if they would inflict damage upon that woman's house.²⁸ Finally, one case recounted involved a woman who had provided sexual services to a civilian and who did not receive the amount agreed upon, making her call upon one of her previous lovers, a sergeant, to intervene and make the man pay.²⁹

As these examples show, the FARDC is engaged in a wide repertoire of practices of civilian dispute processing, driven by both civilian demand and military imposition. Why then do civilians turn to the military to resolve their disputes? And why do soldiers, exceeding the boundary of their mandated functions, become involved in processing disputes between civilians?

Understanding military dispute processing: shopping and its limits

In a classic article on dispute processing, Von Benda-Beckmann coins the terms ‘shopping forums’ and ‘forum shopping’. The former describes authorities (‘forums’) who ‘shop around’ for conflicts regardless of their jurisdictions, trying to arbitrate and manipulate disputes for political or economic advantage. The latter refers to citizens’ penchant to ‘shop around’ for authorities whenever they are in need of conflict resolution, soliciting interventions from those they hope to gain most positive results from.³⁰ The FARDC’s involvement in civilian dispute processing can be understood as the product of both these mechanisms, although there are clear distortions to the principle of ‘shopping’, as will be further explained below. But let us first attend to the circumstances driving civilians to ‘shop around’ in the dispute-processing market.

Making sense of civilian demand for military involvement in dispute processing

The heavy military involvement in civilian disputes in the Kivus is in part related to the legacy of processes of militarisation, which have further eroded the legitimacy and capacity of civilian authorities.³¹ While the army, as highlighted earlier, was already involved in these types of practices before the wars, and also engages in them in the western parts of the DR Congo, our findings indicate that levels of involvement are significantly higher in the conflict-ridden Kivus.³² The intense and continuing warfare has generated considerable socioeconomic transformations, some of which draw on trends that were already visible before the onset of large-scale violence in the 1990s. These changes include the militarisation of the economy and a general shift in authority from civilian leaders to politico-military entrepreneurs and strongmen. During the wars rebel groups and ethnic-based militias came to dominate security, justice and fiscal functions, sometimes taking over the entire civilian administration.³³ Furthermore, the proliferation of armed groups caused scores of youngsters to become socialised into a militarised universe, making them develop a new sense of identity and norms. Empowered by the gun, these young combatants increasingly challenged established authorities in the community and at the household level, like their parents, the *vieux-sages* (old wise men), religious leaders and customary chiefs.³⁴ This has contributed to a generalised crisis of authority, which has weakened established mechanisms of economic, political and social regulation, especially with regard to dispute processing.

While customary chiefs remain the most important source of local government in vast areas of the Kivus, their dispute-processing services are not free, and their judgments are often perceived to be heavily tilted towards the protection of established interests. Although politico-administrative authorities and civilian security services are sometimes seen as less partisan than customary chiefs, albeit not necessarily more legitimate, their presence (and thereby their accessibility) is rather limited, especially in rural areas. Furthermore, they are not always capable of enforcing their judgments, allowing parties who are powerful and can afford to do so simply to ignore their verdicts. Additionally, their services tend to be very costly. As a

young man in Lubero explained:

Approaching the police is very expensive. You first have to pay *makolo ya l'état* [literally 'the feet of the state', signifying the transportation costs of the policeman] 10 dollar! Only for them to arrive. Then you proceed to the PV [procès-verbal or charge sheet], which is also 25 dollar. Then after the judgment, it may happen that you have to pay again a fine of 100 dollar. So not many people go to the police.³⁵

Aside from being expensive, dispute processing by the civilian security apparatus is perceived as lengthy, specifically when involving the initiation of formal justice procedures. Furthermore, it is regularly represented as having uncertain outcomes, for police and judges may be bribed by adversaries. The military, by contrast, is often portrayed as able to rapidly impose the 'solution' that the client prefers, thereby also satisfying desires for coercion and intimidation. Moreover, the amounts demanded by military staff tend to be less than the totals paid to the civilian security services, for whom treating such cases represents a larger share of their income. A policeman summed up the comparative advantages of soliciting the FARDC rather than the police as follows:

Civilians often address the military with their problems, like debts, even family conflicts... Civilians incite the military to commit acts against the law... The reason for soliciting this interference [of the military] are people's bad intentions. They believe that at the level of the military they can have a fast solution. They want to accelerate the course [précipiter l'étape] because justice normally takes time.³⁶

While the FARDC's dispute-processing practices are not always overly violent, and those soliciting them do not always do so with the aim of inflicting violence, it seems that in many cases a desire for coercion and intimidation does affect people's choice to address themselves to the FARDC. This is in part an outcome of the wars, which have made violence a widespread mode of social regulation and roughened conflicts by raising the stakes and creating bitter memories of violence.³⁷ These processes also shape the behaviour of the FARDC, whose soldiers are largely recruited from and in close contact with the same war-affected populations.

Incentives for military involvement in civilian dispute processing

As a 'forum' the FARDC 'shops around' at the dispute market, sometimes imposing itself unilaterally with force, and sometimes being lured by 'customers' demanding its intervention. As one might expect, one of the main attractions of 'shopping' is the potential financial benefit. In some cases the intervention takes place as a payable service, with FARDC staff hiring themselves out as 'private guns'. But even when not occurring on a commercial basis, dispute processing usually involves the imposition of various types of fees and fines on civilians, for example in order to be released from detention, or as a percentage of the debt, dowry or economic transaction that is the object of the dispute.³⁸ As during the Mobutu era, today's army staff (like state agents generally) have to devote much of their time to income generation. Important reasons for this are soldiers' meagre salaries and the limited provision of social services to the military, as well as the central importance of power projection through patronage networks, which to a large extent revolves around revenue generation.³⁹

However, patron-client ties are also a source of military intervention in disputes through the non-revenue-related aspect of the reciprocity on which such

relations are based. As mentioned, army staff at all levels are tied into a range of networks that cross-cut military civilian boundaries and that are formed on various bases, such as ethnic or geographical origins. Such patronage ties do not merely rest on pre-existing bonds, but are also forged in a more ad hoc manner in the various zones where the FARDC is deployed.⁴⁰ Since these ties rest upon mutual commitments and assistance, army staff have a range of obligations towards the civilians who are their patrons or clients, including supporting them when involved in disputes and shielding them from the harassment of other state services. A captain who had intervened in a conflict after a request from a civilian bar owner whom he knew (and who had a problem with a collaborator who refused to pay back a debt), explained it as follows:

We took him to the camp to have a talk with him (laughing). He was quite cooperative (*tosololaki bien*) so I think it is solved now (*makambu esili*). I do not really like to do that stuff. But what can you do? You need to keep the relations good (*il faut gardez barelation*).⁴¹

Even though such efforts to respond to civilian expectations and demands are sometimes indirectly linked to income generation concerns, since ‘keeping relations good’ and trust are crucial lubricants in the highly insecure economic landscape of the DR Congo, they are not always accompanied by a direct monetary reward. This shows how interventions in disputes are difficult to separate from ‘the ordinary forms of sociability’ in which these practices are firmly embedded.⁴²

However, military involvement in civilian dispute processing must also be understood as reflecting the FARDC’s efforts to live up to its constitutional mandate to maintain security and order. In contrast to what is sometimes assumed, army staff identify strongly with their constitutional roles as guardians of security and order.⁴³ Consequently they may intervene in disputes that are perceived to trouble public order (eg between people who are drunk or engaged in a fight) or local government (eg between civilian authorities), or that risk escalating into open violence (eg between members of antagonistically defined ethnic identity-based groups). Such interventions may be primarily informed by a sense of duty and the motivation to end the conflict or prevent violence. For example, in one case observed, an FARDC sector commander convinced a *chef de groupement* to abide by a certain decision of the *administrateur du territoire*, without any apparent direct financial compensation or previously existing patronage ties, thereby ending a conflict that had seriously divided the population. According to the commander in question, he had intervened to guard the security of the population, since he feared that the tense situation could easily spark violence.⁴⁴

Certainly, it is often difficult to determine whether the FARDC’s interventions are indeed primarily guided by security and order concerns, or whether these serve more as a pretext. As we will discuss further below, the FARDC generally discursively frames its interventions in civilian disputes by reference to ‘public security concerns’, even when such interventions appear to be strongly driven by direct financial gain or patronage obligations. Yet it would be erroneous to discard references to ‘security and order concerns’ merely as cunning attempts to ‘cover up true motives’. Rather, military engagement in civilian disputes should be understood as driven by an often complex mix of overlapping and at times contradictory logics and expectations.

The limits to the 'shopping' metaphor

As reflected in the examples above, the FARDC's widespread involvement in the processing of civilian disputes can only partly be elucidated by means of the shopping metaphor. Most importantly this metaphor obscures the fact that the military recurrently intervenes unilaterally in conflicts, without any request or consent from civilians. This is often the case when the military deems conflicts a potential threat to order and security, or when disputes are played out in public places (eg quarrels and fights in bars or the streets), prompting the military to simply intervene as the occasion presents itself. As would be expected, unsolicited interventions are also common where the stakes in terms of revenue are high, such as in mining areas (eg disputes around concessions, or between gold sellers and buyers),⁴⁵ or in certain illegal economic sectors, where the FARDC has the possibility of busting both parties.

Other shortcomings to the metaphor of shopping reside in the ways in which it obscures the fact that 'consumers' rarely have a free choice and that 'choices' are highly variable, depending on the context and social group. For instance, poor farmers living in an area with little road infrastructure, no cellular phone network coverage and rampant insecurity, who are occupied most of the time with cultivation duties in order to survive, clearly lack the time, resources and possibilities to 'shop' around much. The possibilities of a 'choice' are often also undermined by the social pressures stemming from patronage relations, since these can lead either to direct Big Man interference (with patrons deciding for their clients) or to a type of self-censorship (eg fear of offending patrons). Obviously such circumstances circumscribe 'consumer's' options and access to particular forums.

There are also distinct limits to 'shopping' in areas of contested control between various armed groups or factions, or in zones that are rocked by identity-based tensions. In such contexts, which are widespread in the Kivus, soliciting a forum that is connected to the 'wrong' armed actor or opposing group may cost dearly, as it can be seen as a sign of collaboration or betrayal that might provoke retaliation. For example, in a certain village in Rutshuru territory, we heard how a local businessman was kidnapped by members of the rebel group *Forces démocratiques de libération du Rwanda* (FDLR) to whom he had an outstanding debt. The alleged reason was that he had solicited the intervention of the FARDC to recover parts of the money he had lent to a third party, giving the impression that he was now collaborating with the army.⁴⁶ This reflects how, as pointed out by Raeymaekers, political and economic actors in the eastern DR Congo sometimes forge protection alliances with both state and non-state armed actors who subsequently get involved in dispute processing.⁴⁷ This may further militarise conflicts; when one party solicits the intervention of armed actors, the other party, sensing that it is now in a weaker position, often feels compelled to imitate this.⁴⁸

Such a feeling tends to be particularly strong when the conflict concerns members of two groups defined as antagonistic towards each other. In such cases an appeal to armed actors also lends itself to being more easily construed as 'licit' because of the perceived danger and the need to ward off potential violence. This draws attention to the issue of popular readings: when are military interventions in dispute processing seen as licit or illicit and what role do private-public distinctions play in such evaluations?

Readings of military dispute-processing practices

Being driven by multiple, overlapping and sometimes contradictory logics that may again diverge from the ways in which these practices are discursively staged, military interventions in civilian dispute processing are often difficult to read by their local audiences. Moreover these readings are shaped by a wide variety of circumstances, each of which may render contradictory impressions and judgements. These circumstances include: evaluations of the motives (eg financial gain, restoring order) for and the purposes of (eg to take revenge on a personal enemy or to settle an administrative conflict) the intervention, the perceived legitimacy of the intervener (as partly determined by their mandate and the presence of other forums), the proportionality of means and ends (eg use of violence), and the intervention's outcomes (eg restoring order or creating more conflict). Certainly these evaluations vary considerably between groups and even individuals, depending, among other aspects, on norms, levels of (legal) literacy, knowledge of the administration and, importantly, positionality as shaped by relations to the conflicting parties and arbiter (eg family, patronage or ethnic links). Understandably one of the aspects that appears to be crucial for those directly involved in the conflict is the extent to which interventions are solicited or imposed, and whether they consist of the enforcement of a one-sided solution or involve a more dialogical process. In this respect it is hardly surprising that those 'seeking assistance' themselves tend to perceive the resulting intervention as licit, especially when producing the desired results, while the affected party tends to denounce it as illicit, and as evidence of 'corruption'.

Yet, when turning our attention beyond the people directly affected or involved in particular cases to more general readings, a much more complex picture emerges. In everyday practice and discourse military interventions are, on the one hand, normalised, being presented as 'understandable', 'making sense' and sometimes even as 'justified'. On the other hand, they are subverted by framings which render them 'abnormal' and 'immoral'. People often reproach both the intervening military and civilians who solicit these interventions, describing these practices as 'digressions', unwarranted '*traffic d'influence*' (influence peddling), 'military interference in civilian affairs', harmful forms of '*règlement de comptes*' (score-settling), or 'perversions of justice', reflecting 'bad intentions' on the part of those demanding or imposing them. Hence, as also reflected in the citations in the previous sections, military dispute-processing practices are generally represented as somehow illicit and damaging; not 'how things should be'. Moreover, many FARDC staff distance themselves from the practices they are staging – describing these in terms of something they 'do not really like doing', and 'should not do according to the military code' (of conduct), but as 'something one is forced to do given the circumstances'.⁴⁹ References to people's ignorance, low moral standards and habits, and 'difficult nature' (eg in the case of certain ethnic groups) are also recurrent in such normative readings by the military. Hence, and similar to the meanings attached to corruption in dominant discourses, military interventions in civilian disputes are often portrayed as primarily a moral issue – signifying harmful and improper behaviour.⁵⁰

However, these discourses of condemnation neither preclude these practices occurring on a large scale, nor their 'normalisation' in certain ways. In a context of regulatory and normative pluralism affected by processes of militarisation and permeated by the logics of brokerage and patronage, where civilian authorities have limited capabilities and legitimacy, military interventions in civilian disputes may simply 'make sense', especially where access to alternative forums is limited. This

indicates how, similar to corruption, this form of ‘extra-military’ practice should not be seen as a ‘principal–agent problem’ or a problem of culture embracing or celebrating corruption. Rather, it reflects a collective action problem that primarily emanates from the incentive structures deriving from institutional configurations – in this case the erosion of civilian authority, the importance of social ties cross-cutting military-civilian boundaries and the omnipresence of armed actors.⁵¹

Furthermore, given the rampant insecurity, massive poverty, and ongoing volatility in the region, the focus for a large amount of people in the Kivus is on daily survival. In combination with the crisis of authority highlighted above, this has naturally had an impact on people’s expectations vis-à-vis figures of authority. These expectations have come largely to revolve around pragmatic considerations, for example in relation to income generation, the provision of immediate physical security and rapid and low-cost dispute processing, including the settling of personal scores. In such a context the practices of those who (promise to) ensure survival, social mobility, safety and what people themselves define as ‘conflict resolution’ or ‘justice’, will soon come to be seen as ‘licit’, even when not in accordance with formal mandates, jurisdictions and rules, or when involving certain forms of coercion and influence peddling.⁵² As reflected in the examples provided earlier, formal jurisdictions and spheres of authority – in fact, the very public–private distinction – are not always seen as relevant, neither in terms of the labelling of ‘disputes’ (eg whether they are a ‘public conflict’ or a ‘private grudge’) nor regarding the appropriate channels to address them.

The blurring of the boundaries between penal, administrative, customary and private affairs is further fostered by the discursive framing of intervention practices. As hinted at above, in many cases the FARDC presents interventions that relate primarily to affairs that could be labelled ‘private’ (eg score-settling and personal rivalries) as falling within the domain of ‘public security’, for example by justifying them on the basis of suspicions of collaboration with rebel groups or as restoring or preventing the perturbation of public order and security. These public performances (in front of civilian audiences) are shaped by and shape the military’s (and sometimes also civilians’) own understandings of certain conflicts as ‘real’ security issues. For example, where a conflict around debt involves members of ethnic groups that hold mutually negative representations, FARDC staff may intervene at least in part to prevent the conflict from spiralling out of control.⁵³

The knowledge and relevance of formal mandates in citizens’ eyes are also undermined by the very phenomenon of ‘shopping forums’, which yields demonstration effects: the fact that various authorities intervene in all types of affairs creates confusion about their jurisdictions and mandates and stimulates citizens to be equally flexible in their choice of a forum. While ‘shopping’ forums in this way encourage forum ‘shopping’, the latter phenomenon in turn shapes citizens’ evaluations of dispute-processing practices. Surely, where citizens can instrumentalise authorities’ transgressions of their formal attributions, their attitudes towards such transgressions become more ambivalent.

The consequences of military dispute processing on the dynamics of conflict and violence

Even when not always sparking or involving direct (threats of) violence, a pronounced role for the FARDC in civilian dispute processing increases the general risks of violence, especially in the long term. As demonstrated by Kalyvas, the

presence of supra-local political actors fosters the translation of local and private conflicts into violence.⁵⁴ This also applies to members of the FARDC, whose presence generates a higher civilian demand for violent interventions in disputes, especially when the military is firmly in control of its zone of deployment. Not only does a military presence render these interventions more accessible, as it becomes easier to solicit FARDC staff, it also makes this option more attractive, not least as the military has an elevated capacity for enforcing 'solutions'. As acts of violence whet an appetite for revenge, specifically in situations already rife with communal conflict, military interventions in dispute processing have the potential to set in motion spirals of violence, turning interpersonal disputes around mundane matters into intergroup conflicts with ever-higher stakes. An important mechanism driving such spirals, as mentioned above, is the self-reinforcing logic of protection as identified by Gambetta: since those who do not enjoy protection from an armed actor sense that they are at a comparative disadvantage, they tend to feel compelled to solicit such protection too.⁵⁵ Because of the multiplicity of competing armed factions in the Kivus (both non-state armed groups and competing power networks within the FARDC), disadvantaged parties can easily solicit a rival faction, thereby further militarizing civilian conflicts.

Another mechanism by which military interventions contribute to the conversion of sometimes mundane disputes into more serious conflicts is the propensity of people caught up in animosities to see such practices as 'biased', and as favouring 'the enemy'. This predilection was frequently observed during fieldwork: civilians often ascribed certain of the FARDC's intervention practices to 'manipulation' by out-group members, even if there were few indications of this. For instance, in a conflict surrounding a debt in Fizi, a powerful Mubembe shop owner suspected a Kinyarwanda-speaking (Hutu) commander of favouring the interests of his opponent, who was from another Kinyarwanda-speaking group (the Banyamulenge). This perceived injustice allegedly made him threaten to mobilise the Bembe militia active in this environment against the army.⁵⁶ Certainly the FARDC's inclination to invoke suspicions of collaboration with enemy forces as justification for their interventions in conflicts, in particular those leading to unlawful arrests, only reinforces such perceptions of bias. By blurring the boundaries between 'public' and 'private', such discursive framings also contribute in themselves to converting conflicts around 'private' matters into 'public security' phenomena, especially if audiences interpret the FARDC's allegations as 'truth' in a situation where tensions are already high.

However, even amid communal conflict, the FARDC's involvement in dispute processing does not always have immediate destabilising effects. This is particularly so when a locally deployed unit is dominated by one of the various competing power networks in the FARDC, and is in firm military control, making it risky or difficult for conflict parties to solicit rival armed factions. In such cases the FARDC sometimes fiercely represses challenges to its dispute-processing interventions, giving disadvantaged parties little option other than to accept. Yet repression offers no permanent solution, as it merely temporarily freezes conflicts. In fact, it may even aggravate them by creating additional grievances. Thus a dissatisfied party may simply bide their time until a new military faction takes over, for instance when an armed group occupies the area, or rotations of FARDC units lead to the deployment of commanders connected to a different patronage network. Consequently changes in military control can unleash fierce power struggles, as dormant conflicts awaken and those previously marginalized try to regain their influence. This was witnessed in the struggle over the Mukungwe gold mine mentioned above. Trying to take advantage of

the rise of a new power network in the FARDC in 2009 that was connected to the former rebel group *Congrès national pour la défense du peuple* (CNDP), one of the parties to the conflict sent a delegation to the leader of this network, Bosco Ntaganda, in order to solicit his intervention.⁵⁷

In sum, the volatile environment of the Kivus and the many power divisions within the FARDC prohibit any lasting ‘resolution’ of conflicts, specifically as people anticipate future power changes and are therefore less inclined to resignation. Logically this further undermines stability, creating a vicious cycle of the militarisation of dispute processing and ongoing conflicts and violence.

Conclusions

This article has analysed the involvement of the Congolese armed forces in the processing of disputes between civilians, a practice that some would label ‘corruption’ since it involves the manipulation of ‘public office’ for purposes framed as ‘non-public’. Rejecting this label as an a priori category, we have attempted to uncover the logics driving the practices described while also attending to how they are presented and read by the actors involved.

In particular, we have highlighted how military interventions in civilian dispute processing are driven by multiple overlapping and sometimes contradicting logics on both the civilian and the military side. For civilians, who commonly engage in ‘forum shopping’, approaching the military to solve their disputes ‘makes sense’ – in part because of the lack of other available or attractive options. For the military, as ‘shopping forums’ interventions in disputes are attractive since constituting an important source of revenue generation. However, this practice also stems from social obligations cross cutting civilian–military boundaries, and represents efforts to maintain order and guard security. Thus our analysis highlights the limitations of the metaphor of shopping, which –thanks to its voluntaristic connotations – fails to take the workings of patronage networks, conflict dynamics and poverty fully into account.

In order to further elucidate the incentive structures fostering military interventions in civilian disputes, we have located these practices firmly in their historical and contemporary context: historically the practices of the Congolese army have encompassed a wide range of ‘extra-military’ domains, including policing and revenue generation. Furthermore, the army is entangled into patronage networks that cross-cut both civilian-military and state-non-state boundaries, which has contributed to an additional blurring of the (socially constructed) public–private confines of dispute - processing practices. Civilians’ own penchant for soliciting the military’s intervention in conflicts that are located on a wide public–private continuum, and with little regard to formal mandates and authority, has further reinforced this blurring.

As we have demonstrated, the constant blurring of the public–private boundaries renders evaluations of military practices of dispute processing highly ambiguous. On the one hand, these practices are represented as ‘abnormal’ and ‘harmful’, reflecting familiar moral meanings attached to the signifier ‘corruption’. On the other hand, interventions in dispute processing are normalized through social and discursive practice, reflecting the difficult and militarized institutional environment of the Kivus and the lack of alternative options. The ambiguity of these readings problematises understandings of ‘corruption’ or ‘extra-military activities’ as somehow accruing from the (assumed) ‘rotten morals’ inherent to the Congolese army, or to Congolese society as a whole. Rather, our analysis underlines the ways in

which military involvement in dispute- processing should, in part, be conceptualised as a ‘collective action problem’ stemming from the limited legitimacy and capabilities of civilian authorities, the general importance of patronage networks and the omnipresence of competing armed actors.

Our analysis thus highlights the vital importance of strengthening civilian authorities in any efforts to demilitarise dispute processing in the Kivus. Such a demilitarisation is not only (or even mainly) needed in order to reduce violence in the short term, but is also a requirement for durable transformations in the direction of a more peaceful social order. While military interventions in civilian disputes are not always violent, and while they do not always have immediate destabilising effects, they do nourish longer-term processes of militarisation – both ‘normalising’ the intervention of armed actors in daily life and exacerbating existing conflicts.

Acknowledgements

This article partly draws upon research funded by the Swedish International Development Cooperation Agency (Sida).

Notes

1. See, for example, Trefon, Congo Masquerade; and Robinson, “Army Reconstruction.”
2. Bafilemba, Field Dispatch.
3. Nye, “Corruption and Political Development.”
4. Egnell and Haldén, “Laudable, Ahistorical and Overambitious.”
5. Blundo and Olivier de Sardan, Everyday Corruption and the State.
6. Data were collected as part of ongoing research projects on the FARDC in both western and eastern DR Congo. The data used for this article were primarily obtained through (participant) observation and ‘deep hanging out’ among both the military and civilians in the sense of Geertz, “Deep Hanging Out.”
7. The term ‘dispute processing’ has been preferred to that of ‘dispute resolution’, since the intervention of armed actors in disputes often does not lead to a ‘resolution’ of the conflict, but merely suppresses, temporarily freezes or exacerbates it.
8. Persson et al., “Why Anticorruption Reforms Fail.”
9. Schatzberg, The Dialectics of Oppression; and Young and Turner, The Rise and Decline of the Zairian State.
10. Schatzberg, The Dialectics of Oppression; and Callaghy, The State–Society Struggle.
11. MacGaffey, The Real Economy of Zaire.
12. Schatzberg, The Dialectics of Oppression; and Callaghy, The State–Society Struggle.
13. Eriksson-Baaz and Verweijen, “The Volatility of a Half-cooked Bouillabaisse.”
14. The relations between the FARDC and civilian authorities are analysed in more detail in Verweijen, “The Ambiguity of Militarization.”
15. Mugangu Matabaro, “La crise foncière à l’est de la RDC.”
16. Fieldwork conducted in Kazimia, Fizi, November 2011.
17. Interview with an employee of a civil society organisation, Uvira, November 2010.
18. Geenen and Claessens, “De l’autre côté de la colline.”
19. Fieldwork conducted in Uvira, January 2011.
20. Fieldwork conducted in Mukera, February 2011.
21. As observed during the fieldwork, when the perpetrator is from the community, crime is often seen to lead to a ‘conflict’ between the (families of the) perpetrator(s) and victim(s).
22. Fieldwork conducted in Kamanyola, March 2010.
23. Fieldwork conducted in Kinshasa, May 2009.
24. Interview with lawyer, Uvira, January 2011.
25. Fieldwork conducted in Kinkole, July 2013.
26. Tegera and Johnson, Rules for Sale.

27. Fieldwork conducted in Misisi, March 2011.
28. Fieldwork conducted in Butembo, April, 2010.
29. Fieldwork conducted in Goma, October 2009.
30. Von Benda-Beckmann, "Forum Shopping and Shopping Forums."
31. Verweijen, "Military Business."
32. In the western parts people more often turn to the police and different civilian authorities, except in areas around major military camps, for instance in Kinshasa province. Given that army deployment is much more dispersed in the west and the FARDC often does not enjoy the same high levels of influence as in the Kivus, the military are simply less accessible and attractive for civilians 'shopping' for interventions.
33. Vlassenroot, "Reading the Congolese Crisis."
34. Jourdan, "Being at War, Being Young."
35. Interview with a member of a community association, Kamandi, May 2010.
36. Interview with a policeman, Mukera, November 2010.
37. Verweijen, "Military Business."
38. The amounts ultimately paid are most often established after protracted processes of negotiation. Cf. Eriksson Baaz and Olsson, "Feeding the Horse."
39. Verweijen, "The Ambiguity of Militarization."
40. Ibid.
41. Interview, North Kivu, October 2009.
42. Blundo and Olivier de Sardan, *Everyday Corruption and the State*, 8.
43. See Eriksson Baaz and Verweijen, "'La mère des armées n'est pas encore morte'."
44. Fieldwork in Fizi territory, November 2011.
45. Observations at the gold mining site of Misisi, March 2011.
46. Fieldwork conducted in Rutshuru territory, February 2012.
47. Raeymaekers, "Protection for Sale?"
48. Gambetta, *The Sicilian Mafia*.
49. Cf. Eriksson Baaz and Stern, "Making Sense of Violence."
50. Koechlin, *Corruption as an Empty Signifier*.
51. Persson et al., "Why Anticorruption Reforms Fail."
52. Cf. Roitman, *Fiscal Disobedience*.
53. As appeared, for example, from a justification for intervention given by an intelligence officer interviewed in Baraka in December 2011.
54. Kalyvas, *The Logic of Violence in Civil War*.
55. Gambetta, *The Sicilian Mafia*.
56. Fieldwork in Fizi territory, December 2011.
57. UNSC, Final Report. S/2011/738.

Bibliography

- Bafilemba, F. Field Dispatch: Conflict Minerals Windfall for Armed Forces in Eastern Congo. Washington, DC: *The Enough Project*, 2010.
<http://www.enoughproject.org/publications/conflict-minerals-windfallarmed-forces-eastern-congo>
- Blundo, G., and J.-P. Olivier de Sardan. *Everyday Corruption and the State: Citizens and Public Officials in Africa*. London: Zed Books, 2006.
- Callaghy, T. *The State-Society Struggle: Zaire in Comparative Perspective*. New York, NY: Columbia University Press, 1984.
- Egnell, R., and P. Haldén. "Laudable, Ahistorical and Overambitious: Security Sector Reform meets State Formation Theory." *Conflict, Security & Development* 9, no. 1 (2009): 27–54.
- Eriksson Baaz, M., and O. Olsson. "Feeding the Horse: Unofficial Economic Activities within the Police Force in the DR Congo." *African Security* 4, no. 4 (2011): 223–241.
- Eriksson Baaz, M., and M. Stern. "Making Sense of Violence: Voices of Soldiers in the Congo (DRC)." *Journal of Modern African Studies* 46, no. 1 (2008): 57–86.
- Eriksson Baaz, M., and J. Verweijen. "'La mère des armées n'est pas encore morte': des

pratiques de justice (in)formelle dans les Forces armées de la République démocratique du Congo." *Politique Africaine*, no.129 (2013): 49–72.

Eriksson Baaz, M., and J. Verweijen. "The Volatility of a Half-cooked Bouillabaisse: Rebel Military Integration and Conflict Dynamics in eastern DRC." *African Affairs* 112, no. 449 (2013): 563–582.

Gambetta, D. *The Sicilian Mafia: The Business of Private Protection*. Cambridge, MA: Harvard University Press, 1993.

Geenen, S., and K. Claessens. "De l'autre côté de la colline: le contrôle contesté de Mukungwe au Sud-Kivu." In *L'Afrique des Grands Lacs: Annuaire 2011–2012*, edited by F. Reyntjens, S. Vandeginste, and M. Verpoorten, 181–204. Paris: L'Harmattan, 2012.

Geertz, C. "Deep Hanging Out." *New York Review of Books* 22 (October 1998): 69–72.

Jourdan, L. "Being at War, Being Young: Violence and Youth in North Kivu." In *Conflict and Social Transformation in Eastern DR Congo*, edited by K. Vlassenroot and T. Raeymaekers, 157–176. Ghent: Academia Press, 2004.

Kalyvas, S. *The Logic of Violence in Civil War*. Cambridge: Cambridge University Press, 2006.

Koechlin, L. *Corruption as an Empty Signifier: Politics and Political Order in Africa*. Leiden: Brill, 2013.

MacGaffey, J., ed. *The Real Economy of Zaire: The Contribution of Smuggling and Other Unofficial Activities to National Wealth*. London: James Currey/University of Pennsylvania Press, 1991.

Mugangu Matabaro, S. "La crise foncière à l'est de la RDC." In *L'Afrique des Grands Lacs: Annuaire 2007–2008*, edited by S. Marysse, F. Reyntjens, and S. Vandeginste, 385–414. Paris: L'Harmattan, 2008.

Nye, J. "Corruption and Political Development: A Cost Benefit Analysis." *American Political Science Review* 61, no. 2 (1967): 417–427.

Persson, A., B. Rothstein, and J. Teorell. "Why Anticorruption Reforms Fail: Systemic Corruption as a Collective Action Problem." *Governance* 25, no. 4 (2012): 449–471.

Raeymaekers, T. "Protection for Sale? War and the Transformation of Regulation on the Congo-Ugandan Border." *Development and Change* 41, no. 4 (2010): 563–587.

Robinson, C. "Army Reconstruction in the Democratic Republic of Congo 2003–2009." *Small Wars & Insurgencies* 23, no. 3 (2012): 474–499.

Roitman, J. *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa*. Princeton, NJ: Princeton University Press, 2005.

Schatzberg, M. *The Dialectics of Oppression in Zaire*. Bloomington: Indiana University Press, 1988.

Tegera, A., and D. Johnson. *Rules for Sale: Formal and Informal Cross-border Trade in Eastern DRC*. Goma: Pole Institute, 2007.

Trefon, T. *Congo Masquerade: The Political Culture of Aid Inefficiency and Reform Failure*. London: Zed Books, 2011.

United Nations Security Council, *Final Report of the UN Group of Experts on the Democratic Republic of the Congo*. S/2011/738, New York: UNSC, 2011.

Verweijen, J. "The Ambiguity of Militarization: The Complex Interaction between the Congolese Armed Forces and Civilians in the Kivu Provinces, Eastern DR Congo." PhD diss., Utrecht University, forthcoming.

Verweijen, J. "Military Business and the Business of the Military in the Kivus." *Review of African Political Economy* 40, no. 135 (2013): 67–82.

Vlassenroot, K. "Reading the Congolese Crisis." In *Conflict and Social Transformation in Eastern DR Congo*, edited by K. Vlassenroot and T. Raeymaekers, 39–60. Ghent: Academia Press, 2004.

Von Benda-Beckmann, K. "Forum Shopping and Shopping Forums: Dispute Processing in a Minangkabau Village in West Sumatra." *Journal of Legal Pluralism* 19 (1981): 117–159.

Young, C., and T. Turner. *The Rise and Decline of the Zairian State*. Madison: University of Wisconsin Press, 1985.